In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.16683 of 2007.

Date of decision:30.10.2007.

Iqbal Singh.

...Petitioner.

Versus

State of Punjab and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice Satish Kumar Mittal.

Hon'ble Mr.Justice K. C.Puri.

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Present; Mr. A.K. Sharma Advocate for the petitioner.

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K.C.Puri, J.

This is a Civil Writ Petition under Articles 226/227 of the Constitution of India for quashing the order dated 6.2.2006 of District Magistrate, Muktsar (Annexure P-2) and order dated 19.12.2006 passed by the Commissioner, Ferozepur Division, Ferozepur (Annexure P-4).

The petitioner moved an application for renewal of arms licence, vide application, Annexure P-1. The District Magistrate,Muktsar called for the report of Sub Divisional Magistrate, Malout. He reported vide letter dated 10.1.2006 that case No.225 dated 2.6.2003, under Sections 447, 467, 466, 471, 420 IPC, Police Station Lambi,case No.401 dated 3.11.2005, under Sections 323, 342, 379, 506, 148, 149 IPC and 25 of the Arms Act, Police Station Lambi, case No. 11 dated 2.1.2006 under Sections 430, 379

IPC and 70 Canal Act, Police Station Lambi and case No.123 dated 2.6.2003, under Sections 452, 427, 148,149 IPC and 25/25/54/59 of the Arms Act, Police Station Abohar were registered against the licensee. On account of pendency of those cases, the renewal of arms licence was not recommended. The learned District Magistrate exercising the powers under Section 17 of the Arms Act, 1959 cancelled the licence of the petitioner and ordered the confiscation of 12 Bore DBBL Gun No.T-106.

Aggrieved by the said order, the petitioner preferred an appeal before the Commissioner, Ferozepur Division, Ferozepur and the latter vide order dated 19.12.2006 dismissed the appeal.

Still not satisfied with the above-said orders, the petitioner has preferred the present writ petition for quashing the above-said orders.

The learned counsel for the petitioner has submitted that the petitioner has not been convicted in any case and as such the licence of the petitioner could not be cancelled. The gun is required by the petitioner for his self defence and both the orders of District Magistrate and the Commissioner are against law and facts and liable to be set aside.

We have considered the submissions made by the counsel for the petitioner but do not find any force in the same. The petitioner has been acquitted only in one case and the counsel for the petitioner has not disputed the fact that other cases mentioned in order, Annexure P-2, are still subjudice. One of the case is under Section 25/54/59 of the Arms Act. It is the subjective satisfaction of the District Magistrate to grant the licence.

The other submission raised by the learned counsel for the petitioner is to the effect that since no opportunity of hearing has been afforded to the petitioner, the impugned order is void. This submission is

also without any substance. The petitioner applied for renewal of licence. The District Magistrate called for the report of Sub Divisional Magistrate and according to the report of the Sub Divisional Magistrate, criminal cases of serious nature were found to be pending against the petitioner. So, the learned District Magistrate has rightly cancelled the licence of the petitioner. A person of criminal nature can use the weapon at any time. Moreover, the Writ Court cannot interfere unless there is grave error committed by the officer or the order is manifestly unjust. The petitioner has failed to prove the fact that orders of the District Magistrate and the Commissioner are illegal or manifestly unjust.

So, in these circumstances, the writ petition is devoid of any force and the same stands dismissed.

(K.C. Puri)
Judge

October 30,2007. (Satish Kumar Mittal)
Jaggi Judge